WP No. 108 of 2004 (M/S)

Hon'ble Irshad Hussain, J

Heard Sri M.C. Pande learned counsel for the petitioner and Sri Sarvesh Aggarwal learned counsel for the Caveator – respondent No. 1. By way of this petition under Article 227 of the Constitution of India the impugned order dated 21.11.2003 passed by the Appellate Authority has been challenged. The impugned order relates to filing of the additional evidence in appeal under section 22 of the U.P. Act No. 13 of 1972. At the bar, learned counsel agreed that the papers may be admitted on payment of heavy cost and the Appellate Court may be directed to decide the appeal expeditiously preferably within a month.

In view of above the consent order is passed to the effect that the papers which were sought to be filed in the appeal are hereby admitted on payment of Rs. 200/- as cost to the respondent No. 1. The respondent No. 1 shall file document or affidavit in rebuttal in ten days from today. It is also directed that the Appellate Court shall decide the appeal within a period of one month from the date of the receipt of the copy of this order.

With this, the petition is finally disposed of.

Dt: 05-03-2004 **(Irshad Hussain, J.)**

HN